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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,405	06/04/1999	DAVE B. LUNDAHL	363-01	4135

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT PAPER NUMBER

3637

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/326,405

Applicant(s)

LUNDAHL, DAVE B.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 30 (the group of claim 30) have been renumbered as claims 17-30.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

The independent claim 21 is a method claim. The dependent claims, however, are structural claims. The claims are thus indefinite in scope and confusing.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-13, 15-18, 20-23, 25-26, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emmons (4044813) in view of Morgan et al (6079475) and Roman et al (4867222).

Emmons (figure 5) show an operable window system with a removable screen (28), the system having a fixed frame (12), a moving sash (figure 4, 26, being removable) connected to said fixed frame, a removable screen (28) removably connected to the fixed frame, said sash being in contact with the screen when the sash is in the closed position, the screen being connected to the frame with a fastener, the portion of the sash being contact with the removable screen being the frame portion of the sash.

Emmons does not show the sash being operable to substantially swing about an axis with respect to the fixed frame from an open to a closed position, the screen being attached to the fixed frame with hook and loop fasteners.

Roman et al shows a screen (22) being attached to a fixed frame with hook and loop fasteners.

Morgan et al discloses a window system having a sash (16) with screen being swingably attached to the fixed frame about an axis to allow for the partial temporary separation of the sash and screen from the fixed frame.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Emmons to show the sash being operable to substantially swing about an axis with respect to the fixed frame from an open to a closed position, the screen being attached to the fixed frame with hook and loop fasteners because having a sash with screen being

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swingably attached to the fixed frame about an axis would allow for the partial temporary separation of the sash and screen from the fixed frame as taught by Morgan et al, and having the screen attached to a fixed frame with hook and loop would have been obvious as hook and loop fasteners, bolts, glue/adhesives, snap-ons...etc are well known means for attaching a screen to a frame.

Per claims 12-13, 17-18, 27-28, Emmons as modified above shows the axis being substantially vertical/horizontal.

Per claims 21-23, 25, Emmons as modified shows all the claimed limitations. The claimed method steps would have been the obvious method steps of manufacturing Emmon's modified window system.

3. Claims 14, 19, 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emmons (4044813) in view of Morgan et al (6079475) and Roman et al (4867222) as applied to claim 11 above, and further in view of Jones et al (5365707).

Emmons as modified shows all the claimed limitations except for the window system being non-rectangular.

Jones et al shows rectangular and non-rectangular window openings with screen covering (figure 3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Emmon's modified structure to show the window system being non-rectangular because it is well-known expedient in the art to have window system of non-rectangular shape to cover non-rectangular openings.

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Per claim 24, Emmons as modified shows all the claimed limitations. The claimed method steps would have been the obvious method steps of manufacturing Emmon's modified window system.

Response to Arguments

4. Applicant's arguments with respect to claims 11-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A
November 13, 2002

PA

LANNA MAI
SUPERVISORY PATENT EXAMINER
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Lanna Mai